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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,307	11/10/2003	Lynne McIntyre	MCI-10002/29	4439
25006	7590	11/03/2006	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C PO BOX 7021 TROY, MI 48007-7021			MAI, TRI M	
			ART UNIT	PAPER NUMBER

3781

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,307

Applicant(s)

MCINTYRE, LYNNE

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 4-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,12-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the shoe tree must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 4-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention as previously set forth. Applicant asserts that that independent claim already set forth three different modules. It is noted that claim 16 recites "one or more" which broadly set forth only one of the modules and not three different modules as asserted.

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3. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what comprises the shoetree in claim 18. The specification does not define the embodiment in Fig. 3 as a shoe tree at all. Applicant to withdraw this claim in response to this office action.

4. Claims 1, 3, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinzer et al. (6076641) in view of Chrishom (6000509). Kinzer teaches a travel trunk, shelves 81, 82, a closable door. Kinzer meets all claimed limitations except for the modular inserts removable attachable to the back wall of the door. Chrishom teaches that it is known in the art to provide a modular inserts removable attachable to the back wall of the door. It would have been obvious to one of ordinary skill in the art to provide modular inserts removable attachable to the back wall of the door to enable one to store the intended contents.

Regarding claim 3, Note the horizontal pouch 66 and vertical pouches 72 in Fig. 6.

Regarding claim 14, note that portion 88 are the side tabs as claimed.

5. Claims 1, and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Cozern (485612) in view of anyone of Chrisholm (6000509) or Smith (5803470) or Allen (5845780). Cozern teaches a trunk with shelves, a closable door and a plurality of pockets. Rinehart meets all claimed limitations except for the fasteners and the removable modular inserts on the door. Anyone of Chrisholm or Smith and Allen teaches that it is known in the art to provide fasteners and the removable modular inserts on the door portion of a luggage. It would have been obvious to one of ordinary skill in the art to provide fasteners to enable the pockets to

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be removable and/or to provide the modular inserts as taught by anyone Chrisholm or Smith and Allen to enable one to organize the contents easily. Note that Fig. 2 shows the door has a depth as claimed.

Regarding claim 3, note the plurality of pouches in the modular insert of Chrisholm.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Cozern rejection, as set forth above, and further in view of Tisbo et al. (4531645). Tisbo teaches that it is known in the art to provide lower tracks on the shelves (fig. 2) for accommodating additional drawers 206. It would have been obvious to one of ordinary skill in the art to provide lower track on the shelves to enable one to accommodate additional drawers for storing additional contents.

7. Claims 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clegg (6520514) in view of Tisbo et al. (4531645), and further in view of anyone of Chrisholm (6000509) or Smith (5803470). Clegg teaches a luggage having a pair of integrated wheels, a retractable handle, and an interior and opposing sidewalls, vertical tracks for a plurality of shelves. Clegg meets all claimed limitations except for the lower tracks and removable modular inserts. Tisbo teaches that it is known in the art to provide lower tracks on the shelf (fig. 2) for accommodating additional drawers 206. It would have been obvious to one of ordinary skill in the art to provide lower track on the shelves to enable one to accommodate additional drawers for storing additional contents. With respect to the inserts, it would have been obvious to one of ordinary skill in the art to provide modular inserts as taught by anyone of Chrisholm or Allen, or Smith to enable one to store additional contents. With respect to the depth of the door, it is noted that in the very least, the depth of the door in Clegg is zero.

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8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clegg rejection, and further in view of Riley. It would have been obvious to one of ordinary skill in the art to provide a bag that can be rolled and fitted onto one of the shelves to enable one to store more contents.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinzer rejection as set forth in paragraph 4, and further in view of Riley. It would have been obvious to one of ordinary skill in the art to provide a bag that can be rolled and fitted onto one of the shelves to enable one to store more contents.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Clegg rejection as set forth above in paragraph 7, and further in view of either Milionta et al. (6715594) or Tong (6334519). It would have been obvious to one of ordinary skill in the art to provide the modular inserts with tabs as taught by Milionta, note tabs 72, 74, or Tong, note tabs 21 in Fig. 5, to enable one to enable one to connect/disconnect the inserts easily.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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